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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,435	10/24/2003	Franz Arbogast	WWO19USU	2024

7590 12/28/2006  
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EXAMINER
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FRANTZ, JESSICA L

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,435	<b>Applicant(s)</b> ARBOGAST ET AL.	
	<b>Examiner</b> Jessica L. Frantz	<b>Art Unit</b> 3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/24/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/1/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "34" has been used to designate the separating plane, the feed line and the inlet. Also the quality of the drawings is insufficient. All drawings must be made by a process that will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning. 37 CFR 1.84 (l). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: the reference character 34 has been used to designate the inlet on page 5, line 2 as well as the feed line on page 5, lines 26-27 and also a separating plane on page 6, line 11.

3. The specification may require revision to correspond to drawing changes, e.g., if Fig 1. is changed to Fig. 1A, Fig. 1B, and Fig. 1C, etc., the specification, at the Brief Description of Drawings, must likewise be changed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The drawings lack a sufficient depiction of the manner in which the gear pump is constructed so as to enable one of ordinary skill in the art to be able to reproduce. "The drawings must contain as many views as necessary to show the invention" see 37 CFR 1.84 (h) and 37 CFR 1.84 (h)(3).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/73295 and for translational purposes please refer to Arbogast et al. 6,585,498. Arbogast teaches the invention substantially as claimed including a motor-driven pump unit comprising: an electric motor 1 having a stator 1.1, 1.2 and a rotor 1.3; a pump 2 being concentrically enclosed by said rotor 1.3 as shown in figure 1, said rotor 1.3 having a U-shape when viewed in an axial sectional view as shown in figure 1 and discussed in column 2, lines 7-9, wherein said U-shape has a web 1.3.1 that is provided in the region of a common axis see figure 1, said web having an internal gearing discussed in column 2, lines 10-11, and wherein said pump has a shaft 2.3 that has a pinion 2.1 that mates with said internal gearing of said web as discussed in column 2, lines 10-14; and a housing 3 having a face wall being the right side wall as shown in figure 1 on a web side and an opposite face being the left side wall as shown in figure 1 on a connection side that carries connections 3.1, 3.2 for a medium to be conveyed, wherein said housing 3 is arranged in a region of said face wall on said web side as a container for receiving said medium, for receiving a cooling device or for receiving a filtering device as shown in figure 1. Arbogast further teaches the rotor 1.3 encloses\* said pump 2 see figure 1 and is operably connected to said housing 3 see figure 1 and column 1, lines 45-46, the pump 2 is operable as a hydraulic pump as shown in figure 1, and wherein the medium from said pump 2 has a throughput with at least a portion thereof that is used for cooling said motor as shown in figure 1 by the dashed lines entering through the inlet 3.1 and exiting the outlet 3.2. Arbogast also teaches that the web 1.3.1 of the U-shape and face wall being the right side wall as shown in figure 1 of

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the housing on the web side has there between a tank being the open space between the web of the rotor 1.3 and the right side of the housing 3 as shown in figure 1 wherein the shaft 2.3 of the pump projects into the tank.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/73295 and for translational purposes please refer to Arbogast et al. 6,585,498 in view of Leyderman et al. 5,221,191. Arbogast substantially teaches the claimed invention as discussed above but fails to teach the following claim limitations that are taught by Leyderman. Leyderman teaches an impeller 80 located on a pump shaft 40 allowing the carrying of cooling medium out of the motor into the pump and is provided for the purpose of pumping oil from the sump 36 and forcing the oil passing the bore 40-4 radially outward column 4, lines 3-13 and figure 2. Therefore, it was obvious to one of ordinary skill in the art at the time of the invention to incorporate an impeller into the tank for the purpose of pumping oil from the sump and forcing the oil passing the bore radially outward as taught by Leyderman column 4, lines 3-13 and figure 2.

10. Claims 2 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/73295 and for translational purposes please refer to Arbogast et al. 6,585,498 in view of Jones 4,898,083. Arbogast substantially teaches the claimed

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invention as discussed above but fails to teach the following claim limitations that are taught by Jones. Jones teaches the housing 11 is arranged with a valve block 33 on the connection side being the side where the inlet port 30 is connected, said valve block 33 has a flow control device 32 selected from the group consisting essentially of a directional control valve, a safety valve, a pressure reducing valve, a quantity divider, a flow control valve, a stop valve, or a proportional valve where the chosen valve is a flow control valve 32 and is provided for the purpose of providing a means for selectively obstructing the hydraulic fluid from the inlet port 30 to the pumping chamber 22 see column 4, lines 4-23. Therefore, it was obvious to one of ordinary skill in the art at the time of the invention to include a valve block with a flow control device for the purpose of selectively obstructing the hydraulic fluid from the inlet port to the pumping chamber see Jones column 4, lines 4-23.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/73295 and for translational purposes please refer to Arbogast et al. 6,585,498 in view of Jones 4,898,083 and further in view of Leyderman et al. 5,221,191. Arbogast and Jones substantially teach the claimed invention as discussed above but fail to teach the following claim limitations that are taught by Leyderman. Leyderman teaches an impeller 80 located on a pump shaft 40 allowing the carrying of cooling medium out of said motor into the pump and is provided for the purpose of pumping oil from the sump 36 and forcing the oil passing the bore 40-4 radially outward column 4, lines 3-13 and figure 2. Therefore, it was obvious to one of ordinary skill in the art at the time of the invention to incorporate an impeller into the tank for the purpose of pumping oil from the

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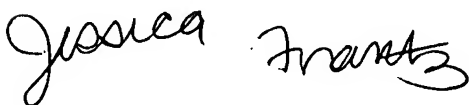
sump and forcing the oil passing the bore radially outward as taught by Leyderman column 4, lines 3-13 and figure 2.

**Conclusion**

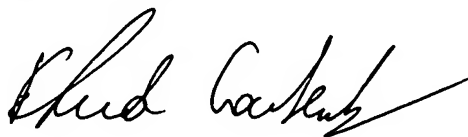
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Frantz whose telephone number is 571-272-5822. The examiner can normally be reached on Monday through Friday 8:30a.m.-5:00p.m. E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JF 12/15/2006



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